

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 514

Introduced by Assembly Member Williams

February 23, 2015

An act to amend ~~Sections~~ *Section* 25132 and 36900 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL’S DIGEST

AB 514, as amended, Williams. Ordinances: violations: fines.

Existing law authorizes the legislative body of a city, county, or city and county to collect any fee, cost, or charge incurred in specified activities, including the abatement of public nuisances, enforcement of specified zoning ordinances, inspections and abatement of violations of the State Housing Law, inspections and abatement of violations of the California Building Standards Code, and inspections and abatement of violations related to local ordinances that implement these laws. Existing law limits the amount of this fee, cost, or charge to the actual cost incurred performing the inspections and enforcement activity, including permit fees, fines, late charges, and interest.

Existing law authorizes the legislative body of a local agency to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, as specified. For violations of city or county building and safety codes determined to be an infraction, existing law limits the amount of the fine to \$100 for a first violation, \$500 for a second violation of the same ordinance within one year, and \$1,000 for each additional violation of the same ordinance within one year of the first violation.

This bill would eliminate these fine amounts for violations of local building and safety code ordinances determined to be an infraction and ~~instead require a maximum fine or penalty amount for a violation of those local building and safety ordinances~~ *authorize the fine amounts for violations of specified county ordinances, including local building and safety ordinances, determined to be an infraction* to be established by an ordinance that is subject to specified *maximum amount* requirements *for the first, 2nd, and 3rd violations of the same ordinance. If one of these specified ordinances is not subject to a fine ordinance, this bill would specify the amount of the fine.* ~~By requiring cities and counties to establish these imposing duties on counties regarding fine or penalty amounts by ordinance, for violation of specified ordinances, including local building and safety ordinances,~~ the bill would impose a state mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25132 of the Government Code is
- 2 amended to read:
- 3 25132. (a) Violation of a county ordinance is a misdemeanor
- 4 unless by ordinance it is made an infraction. The violation of a
- 5 county ordinance may be prosecuted by county authorities in the
- 6 name of the people of the State of California, or redressed by civil
- 7 action.
- 8 (b) Every violation determined to be an infraction is punishable
- 9 ~~by (1) a~~ *by the following:*
- 10 (1) A fine not exceeding one hundred dollars (\$100) for a ~~first~~
- 11 ~~violation;~~ ~~(2) a first violation.~~
- 12 (2) A fine not exceeding two hundred dollars (\$200) for a second
- 13 violation of the same ordinance within ~~one year;~~ ~~(3) a one year.~~

(3) A fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(c) Notwithstanding any other provision of law, a violation of a local building and safety ordinance, brush removal ordinance, grading ordinance, film permit ordinance, zoning ordinance, or an ordinance that regulates the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, determined to be an infraction is may be punishable by a fine established by ordinance that is subject to all of the following requirements:

(1) The amount of the fine for the first violation does not exceed the amount of the permit fee required by the local building and safety ordinance multiplied by 10 or, in or five thousand dollars (\$5,000), whichever is less. In the absence of a permit fee, the amount of the fine does not exceed one thousand dollars (\$1,000).

~~(2) The amount of the fine is based upon the severity of the threat to public health and safety.~~

~~(3)~~

(2) The amount of the fine for a second violation of the same ordinance within five years of the first violation is greater than the amount of the fine for the first violation. The five thousand dollars (\$5,000), but does not exceed ten thousand dollars (\$10,000). In the absence of a permit fee, the amount of the fine shall not exceed two thousand five hundred dollars (\$2,500).

The amount of the fine for the third violation of the same ordinance within five years of the first violation is greater than the amount of the second violation: ten thousand dollars (\$10,000), but does not exceed fifteen thousand dollars (\$15,000). In the absence of a permit fee, the amount of the fine shall not exceed five thousand dollars (\$5,000).

(4) The amount of the fine is based upon the severity of the threat to public health and safety.

(d) If an ordinance described in subdivision (c) that is determined to be an infraction is not subject to a fine established by ordinance as set forth in subdivision (c), the violation of that ordinance shall be subject to a fine described in subdivision (b).

SEC. 2. ~~Section 36900 of the Government Code is amended to read:~~

36900. (a) Violation of a city ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a

city ordinance may be prosecuted by city authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(c) Notwithstanding any other provision of law, a violation of a local building and safety ordinance determined to be an infraction is punishable by a fine established by ordinance that is subject to all of the following requirements:

(1) The amount of the fine does not exceed the amount of the permit fee required by the local building and safety ordinance multiplied by 10 or, in the absence of a permit fee, one thousand dollars (\$1,000).

(2) The amount of the fine is based upon the severity of the threat to public health and safety.

(3) The amount of the fine for a second violation of the same ordinance within five years of the first violation is greater than the amount of the fine for the first violation. The amount of the fine for the third violation of the same ordinance within five years of the first violation is greater than the amount of the second violation.

~~SEC. 3.~~

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.